

**FRANKLIN COUNTY AREA PLAN COMMISSION**  
**MEMORANDUM & MINUTES**  
**COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM, 203**  
**MARCH 10, 2021 @ 7:00 pm**

**Those Present:** Ruthie Mannix, President; Robert Braun, Vice-President; Ed Derickson, Connie Rosenberger, Rob Seig, Christine Rains, Tammy Davis, Cindy Orschell and Glenn Bailey. Emily Ruffier absent.

**Pledge of Allegiance**

**Roll Call**

**Minutes of February 24, 2021-**Ruthie Mannix asked if there were any additions/corrections to the minutes, if not for a motion to accept. MOTION - Connie Rosenberger made a motion, Robert Braun 2<sup>nd</sup>. AIF

Ruthie Mannix then went over some rules for the meeting and explained that the APC would start agenda items and then convene for BZA meeting and reconvene as she knew the Solar Issue would take up the majority of the evening.

**CU -2-21-21820 for Derik Orschell,** as application to permit a child care center at 273 Main Street, parcel 24-10-29-183-001.000-004, located on Pt. 15 & 15 Thomas Addition of Brookville Corporation.

Cindy Orschell began by stating that all the notices were turned in concerning this CU. Derik Orschell then stated that currently the Orschell's operate a daycare on Main St. They presently have 16 children they care for. They would like to purchase 273 Main St. to expand their operation to hold up to 100 children, which would be a great opportunity for the Town of Brookville. They currently have a class 2 license. Ruthie Mannix asked about the building and how it would be used. Kehlre Orschell stated they would use most of both building with an apartment upstairs for one staff member. There are two doors which will be used for pickup and drop-off. There was some discussion about the flow of traffic, parking issues for both staff and parents. The staff will gladly walk to the location from parking places nearby. For the most part parents don't park, they just pull up and drop-off. It was also pointed out that they wouldn't interfere with St. Michael's times of students coming and going. Rob Seig asked about square footage for the playground. The older and younger children play at different times so they wouldn't all be out at the same time. The Orschell's stated they currently follow all state codes and will continue to do so. No public comment. MOTION - Christine Rains made a motion to send a favorable recommendation to the BZA, Robert Braun 2<sup>nd</sup>. AIF. MC.

**Marty Brunner** wanted to address the Commission over an issue going back to June of 2020. Ruthie Mannix explained to the new members about the Lecher Sawmill complaint from last June. The main problem is the noise created when the sawmill grinds leftover pieces of logs. Marty Brunner stated the grinding started recently and that several members of the Commission had been out to hear for themselves-Rob Seig, Robert Braun and Ed Derickson. Marty Brunner had measured noise from 1500' with a reading of 84.7, at 1200' a reading of 85.7. Compliance is within 85 at 1500'. The sawmill is right on the outward bound limits. Marty Brunner also said the sawmill is really industrial not agriculture, alarms go off all the time and how can this be acceptable. He has been putting up with this for 10 years. Ruthie Mannix asked Tammy Davis what options were open to the APC. Tammy Davis said to put it on next month agenda, as that was decided last June the APC would look at it once the grinding started up again. A discussion occurred about the county code for noise ordinance limits. They appear to be vague,

and not well defined, it mentions “objectionable levels”. Tammy Davis said we “need to clean up the language”. Rob Seig was concerned about litigation if APC doesn’t solve the issue. Marty Brunner said he would come to next month’s meeting. The board wanted to invite Lecher’s to attend also, requested Cindy Orschell to send a letter.

### **Violation Report**

Derryl Cregar-Commissioners denied vacation of road. Waiting on surveyor to determine where road ends. It is being looked into.

Randy & Bridget Smith- Tammy Davis said she is not sure that the letter she sent was delivered. Cindy Orschell did a site visit on 3/9/2021. Mrs. Smith called the office and said people steal license plates which is why some of the cars are unlicensed. Tammy Davis will send a certified letter and wait until next month to see what happens.

Thomas Whipple-Tammy Davis will be filing a default judgement.

D&J Homes- Cindy Orschell did a site visit on 3/10/2021. Some improvement seen but still in violation.

Danny Broering- New complaint, letter sent on 3/8/2021.

Steven T. Peters & Paula Godsey- He is working on getting a survey.

Anthony Lecher Sawmill- On next month agenda.

### **Unfinished Business**

Ruthie Mannix gave a review of the Solar Issue that first came up in August and September of last year. A committee was set up to write a recommendation on changes to the code to address alternative energy. The committee looked into other counties to see how they were handling the issue. In November changes were suggested to take out A-1 and A-2 and to allow alternative energy only in industrial zones. It was then up to the Commissioners, they tweaked it to set up a new zone, and stipulated that if alternative energy was placed in agriculture area and later decommissioned the land would go back to agriculture. The APC is only looking into code changes. Tammy Davis said APC can either approve or fail to approve at which case the way the Commissioners left it would be the new code. If APC makes changes it will go back to the commissioners and they will have 45 days to act on it. So over all, Ruthie Mannix reminder the APC they are an advisory board to the Commissioners. Ruthie Mannix then gave some ground rules regarding speakers and time limits for the Solar discussion.

Traci Agnew, she made several points she wanted the APC to consider. These included, asking the APC to be sure the code is well thought out, setbacks, maintenance of area around the panels, plants to protect wildlife including bees and butterflies, ground cover and the allowable heights at 15’ instead of 20’.

Melissa Dorrell addressed issues that mainly centered around fire safety, and the fact that something as simple as birds can cause a fire to start. The idea of having a volunteer fire dept which is slower to respond, the room needed to accommodate the equipment and the money to keep up to date. She urged to APC to do plenty of research.

At this point in the evening a break was taken to allow the BZA to meet.

Returning at 8:20pm Traci Robinson spoke to the APC. She focused her time on Insurance Liability for the area neighbors as well as the county itself. Insurance needed to cover areas such as chemical damage and

should be kept up to date in terms of inflation. The 2 million figure that was in early code models needs to be more like 10 million or more in terms of liability.

Katie Maddock reviewed some of what others had talked about but put the main focus of her discussion on the meaning of “agriculture” and how large industrial solar projects don’t fit in to it. She felt Franklin County should come up with a plan to accommodate green energy but not at the scale some businesses are projecting. The first concern should be on the prioritizing the positives of Franklin County, not continuing the “greed” that seems to rule over local concerns.

Roger Bommer spoke to the concern of drainage tiles that may exist under the solar panels and the problems that can crop up if damage occurs.

Kim Ramsey provided a petition that was signed by 1800 concerned citizens of the county. She also addressed how electric current can affect farm animals. When questioned by Ruthie Mannix about the electric current she wasn’t sure where she read that but said she had seen it somewhere. Lastly, she was worried about her home flooding if drainage tiles are damaged.

Chris Knecht addressed the APC about field tiles also. He wondered where the people live that are promoting solar energy in Franklin County.

Paul Cummins from Green X Solar said that regardless of what is in a House Bill (1381) concerning Solar Energy at the state level county requirements would determine course of action.

Ruthie Mannix said someone from Ball State University had some issues to bring up. He spoke about how quickly an electrical short would quickly shut down, would not pollute and when decommissioning occurs much of the material can be recycled.

Dave Koester didn’t see any real immediate danger to having solar energy.

Jack Rosenberger then spoke about real possible damage from land and water contamination. Connie Rosenberger then asked about who will be in charge of enforcement once solar panel are up and running. Rob Seig felt IDEM would be the enforcement agency. Connie Rosenberger then asked if there was any way the APC could just take A1 out of the picture as potential use for solar. Ruthie Mannix explained the procedure and the importance of the AES which would take the place of industrial zoning. Ed Derickson said that since nobody had yet actually filed now is the time to regulate insurance, draining, etc.

Grant Reeves spoke about Rezones, Conditional Use, Agriculture Use. Property would have to be I1, I2 or AES. Rob Seig talked about the need for a Ground Penetrating Radar to track drainage tiles, decommissioning and bonding. MOTION - Connie Rosenberger then made a motion to take A1 out of consideration for solar projects. The motion died for lack of a 2<sup>nd</sup>. Tammy Davis and Ruthie Mannix then addressed this motion. Ruthie Mannix then brought up the setback requirements of 100’, Rob Seig wanted to go to 500’ setbacks. This brought an end to the public hearing portion. Ruthie Mannix then asked for questions/comments from the APC. Christine Rains asked about life expectancy of solar panels and a rating system for panels. Connie Rosenberger asked if we can limit the amount of acreage that can be used for solar, if neighbors must be notified, the health of neighbors could be an issue. Ruthie Mannix stated that conditions can be put on a conditional use application prior to acceptance. Ruthie Mannix then said she was ready to entertain motions from the members.

## **Motions**

MOTION- Rob Seig-Applicant must provide APC with a Ground Penetration Radar Study to map all drainage tiles, underground utilities or other underground issues. Furthermore, no work to be within 100' of a known cemetery. Robert Braun 2<sup>nd</sup>. AIF. MC. Ruthie Mannix suggested Rob Seig to be a member of the Technical Review Board to oversee applicants.

MOTION - Ed Derickson -Add Class 3 under AES Zoning designation to 80.03.16. Connie 2<sup>nd</sup>. Vote was 4-2 in favor. Rob Seig, Connie Rosenberger, Ed Derickson, Robert Braun yes votes, Ruthie Mannix and Christine Rains voted no.

MOTION - Christine Rains- to require 10 million minimum liability insurance, a study of property value assessment, and 3 insurance companies to determine aggregate amounts, with proof sent to Executive Director of Area Planning. Rob Seig 2<sup>nd</sup>. AIF. MC.

MOTION - Ruthie Mannix-to protect non-participating property owners, native species used in screening etc, and protect pollinators and where to add screening. Christine Rains 2<sup>nd</sup>. AIF. MC.

MOTION - Rob Seig-that all changes made will apply to other alternative energy sources unless it only pertains to solar. Ed Derickson 2<sup>nd</sup>. AIF. MC.

MOTION- Robert Braun-moved to send to the Commissioners a favorable recommendation of all of the motions made tonight. Christine Rains 2<sup>nd</sup>. AIF. MC.

**ADJOURNMENT-** MOTION - Connie Rosenberger-made a motion to adjourn. Robert Braun 2<sup>nd</sup>. AIF. Meeting adjourned at 10:27pm

---

Ruthie Mannix, President

---

Glenn Bailey, Recording Secretary